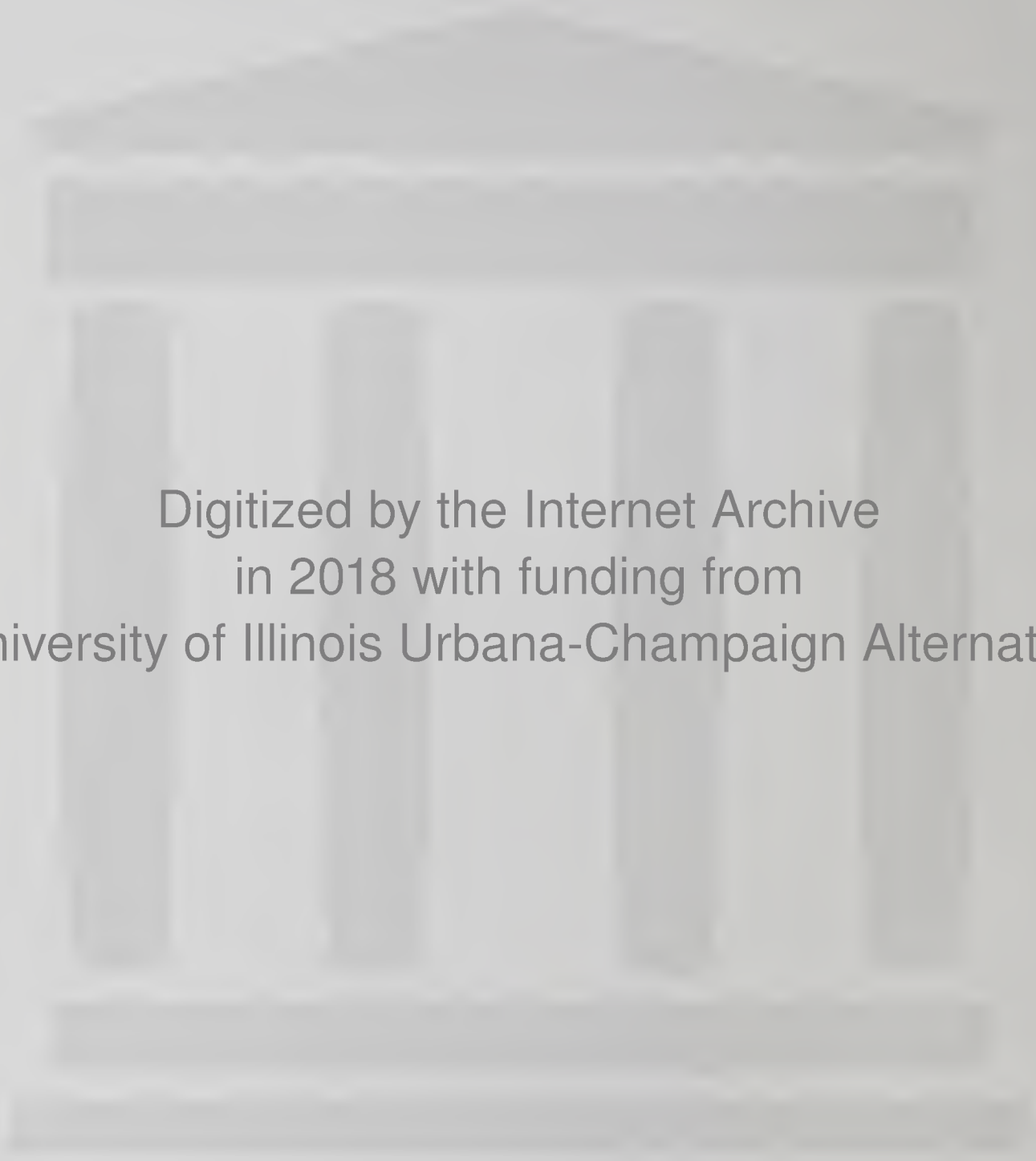


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The Catholic Church and Civil Liberty

A LECTURE

By

REV. JOHN ROTHENSTEINER

Pastor of the Church of the Holy Ghost

St. Louis, Mo.

1915

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“God has divided the government of the human race between two principalities, the ecclesiastical and the civil; the one being set over divine, the other over human things. Each is supreme in its own sphere; each has fixed limits, within which it moves. Each is circumscribed to its own orbit, within which it lives and works in its own native right. . . . Things civil and political are subject, as reason and equity demand, to the civil authority, Jesus Christ Himself having commanded that the things of Cæsar be given to Cæsar, as the things of God are given to God.”

Leo XIII.

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FOREWORD.

It is certainly not very creditable to the vaunted intelligence and fairmindedness of the American people, that such a slimy and slippery paper as the *Menace* can continue its wriggling course through the length and breadth of this country for so many weary years; and that, instead of dying of inanition, it strangely thrives on its own filth and proves itself the fruitful mother of lesser but equally poisonous reptiles. Surprising as this fact must appear to all thinking men, it is doubly so to us American Catholics.

We know that our ideals are the very highest; and, although our practice may at times fall short of our ideals, we know that our religion, the Catholic religion, far from conniving at our shortcomings, constantly urges us on to higher and better things. We make no claim to perfection for the great mass of our Catholic people: but we do claim that, man for man, they are the equals, if not the superiors of their fellows in all things that concern the moral and social progress of mankind; and this, not in spite of, but rather by virtue of their Catholic faith.

Now, as we were so fully convinced of this, we deemed it hardly proper to defend ourselves against the outrageous attacks made on our honor as men and citizens, by such an irresponsible brood of toads and toadies, relying for our justification on the good sense and fairness of our American fellow-citizens.

Have we been mistaken in this? Should we have taken up the defense of our honor and integrity, as well as the noble aims of our religious and social activities before the tribunal of public opinion? Do we really need such a defense?

The best defense we have is our history, and the principles for which the Church has ever stood.

But is the true history of the Church known? And is your modern education deep enough to touch the principles underlying our lives and efforts and aspirations?

We fear a great change has come over our country. Yet we live and hope, that we will not be "Done to death by slanderous tongues." *Veritas praevalerebit.*

Accept this Lecture on "The Catholic Church and Civil Liberty" as a slight contribution to this great work.

THE AUTHOR.

The Catholic Church and Civil Liberty.

"The Catholic Church is an enemy of civil and religious liberty. She is ever striving to subject all nations to her sway in temporal as well as in spiritual matters. Consequently no loyal Catholic can consistently be a supporter of our free American institutions."

Is this true, or is it false?

There are not a few of our fellow-citizens, who believe it true. We, however, say it is absolutely false. False and unjust, because the slander is intended to rob us of our rights guaranteed to us by the Constitution, simply because we are Catholics.

No Catholic can be a loyal American, they say; no Catholic is, therefore, worthy of a place of honor and trust in this, our country. Hence it becomes the solemn duty of patriotic Americans to defeat all Catholic candidates for office.

I purpose to show that the Catholic Church is the friend and teacher of the perfect liberty as described in the Gospel, and that, by restraining both license and despotism, she becomes the support and safeguard of civil liberty and political freedom. In proving my proposition I shall take no further notice of the vulgar little souls who would sow the seeds of distrust and hatred among a nation of freemen. Their condition is a hopeless one. No effort of mine would make them see things as they are. I will try, however, to solve certain difficulties which I know many sincere and enlightened Protestants entertain on this important matter.

According to the best writers and the general opinion of mankind, civil liberty consists in this: "That all citizens have it in their power to promote their own individual welfare, in as far as it is not inconsistent with the common good; that they enjoy freely and perfectly the fruits of their labor and industry; that they be governed by just laws in the framing or acceptance of which they had a voice, and that they have access to a share of deliberative and judicial functions. It is not necessary that all citizens actually participate in these functions, but the way to them should be open."

From this description of civil liberty we are led to conclude that in striving after it and in enjoying it the golden mean must ever be observed between its two extremes, the *spirit of license* on the one hand, despising all authority, rejecting all law and leading to anarchy, to the supremacy of might over right and to final dissolution of society; and on the other hand, the *spirit of despotism*, which makes the arbitrary will of one man or of a privileged caste

the exclusive rule of conduct of the subjects. Anarchy, that is lawlessness, and despotism are equally destructive of civil liberty. Now, if I can prove that the Catholic Church, with the plenitude of her spiritual power, opposes both, then I may with justice conclude that the Catholic Church is not an enemy, but rather the greatest friend to civil liberty.

I maintain, (1) The Catholic Church does and always did uphold the supremacy and sacredness of all just laws, striking thus at the very root of rebellion, disorder and anarchy. (2) The Catholic Church does and always did defend the sacred and inalienable rights of all men, both high and low, freedom of conscience, security of life and property and a strict regard for justice, resisting and humbling the haughty rulers of nations, whenever they attempted to set their own will above the laws of nature and of nature's God.

1. The first condition then, of civil liberty is the supremacy of the law. No liberty without law. It does not exist, it cannot exist. Max Muller, a man deeply versed in the traditions of the nations, says: "If the word savage means people without a settled form of government, without laws and without religion, then go where you like, you will not find such a race." All nations must be governed by laws, otherwise they will be ruled by tyrants. It is plain, therefore, that civil liberty does not mean freedom from all restraint, just as little as liberty of conscience means independence from the ten commandments. Civil, as well as moral liberty, must be circumscribed by just laws, which protect and guard the rights of all citizens, by exacting the performance of duties which man owes to his fellowmen. It is one of the fundamental principles of Ethics that every human being has a right to use the faculties and powers which Providence has granted him; but it does not follow that he may exercise this right, wherever, whenever and howsoever he pleases. In seeking your own happiness you must not interfere with the rights of others.

Now, to use the words of Hooker, "that which moderates the force and power of man, that which appoints the form and measure of working, the same we term law." Liberty is certainly a grand prerogative of mankind, but loyalty is grander still, loyalty to God and His commandments, loyalty to the Church of Christ, loyalty to our country and its institutions.

Ever mindful of the words of the Holy Ghost: "Where there is no governor the people shall fall," (Prov. 11, 14) the Church commands her children to respect and obey the temporal rulers in all lawful things. That Catholics do not disregard this injunction cannot be doubted. Lacordaire says: "In proportion as we see the Church strengthen herself in a state, we see also the civil power more respected, and we see this respect diminish in proportion as

the Church loses her influence." Catholics are bound in conscience to be loyal to the state, and therefore, wherever civil liberty is established, as it is among us, the children of the Church are its most zealous supporters, because they love it for its own sake, and because they know that their religion never made more rapid and lasting progress than when it went hand in hand with love of freedom and the study of its principles and the practice of its rights.

Moreover the Catholic Church not only sanctions and upholds civil authority, but grounds it upon a principle, which alone can give it stability and which, at the same time, assigns its proper limits: She declares the state subject to the law of God, she denies the omnipotence of civil authority and thereby saves mankind from the hateful tyranny of unjust laws.

The Church teaches that God is the absolute sovereign of all men. In His presence we have duties and no rights whatever. And our duty is the full and unconditional subjection of ourselves to His will. In our relations to the Almighty there is no liberty. "Liberty is between man and man, between man and society, between society and society."

No man, in his own right, has any, even the least authority over man. No body of men, no community as such, has any rightful authority either in spiritual or temporal matters. God alone is our sovereign, our absolute master and lawgiver. Pastor, prince or president have a right to command and to exact obedience only in as far as they are the vicars of the Almighty and exercise their power in accordance with His holy will. All authority, therefore, divested of divine sanction is despotic, because it is authority without right, will unregulated by reason, power disjoined from justice.

This is the doctrine of the Catholic Church in the 19th century, as it was the doctrine of the Blessed Apostle Paul in the 1st. "Let every soul," says the Apostle of the Gentiles, "be subject to higher powers. For there is no power but from God; and those that are, are ordained of God. Therefore he that resisteth power, resisteth the ordinance of God. Wherefore be subject of necessity, not only for wrath, but for conscience sake." Rom. 13.

In these words of St. Paul the obligation of obedience is founded on the fact that the civil power is the ordinance of God and that consequently the state is subject to divine sovereignty. The state, therefore, has no authority to make laws contrary to the natural rights and duties of man, for by so doing it would renounce its allegiance to God and thereby become a despotism of the very worst kind. The state can make no law contrary to the positive divine law, as recorded in the New Testament. The state can never go beyond the limits assigned to it by the Lord of nations.

And what are these limits?

All men admit that civil government is a secular concern. Its intrinsic scope and aim is a certain temporal good. Suarez, one of the most profound and learned writers on law, sets forth that good to be "the natural happiness of the perfect human community, of which the civil legislator has the care, and the happiness of individuals as they are members of such a community, that they may live therein peaceably and justly, and with a sufficiency of goods for the preservation and comfort of their bodily life, and with so much moral rectitude as is necessary for this external peace and happiness of the commonwealth and the continued preservation of human nature." (De Legibus III, 2.)

The scope and aim of civil government is not any good of the world to come, but of this world. It is the good of citizens as such, namely, security, wealth, liberty, commerce, the arts of life, arms, glory, empire, and the like, all of which do not reach beyond this world.

But man has a higher, nobler destiny. He is made for an everlasting life in the bosom of God, and he is endowed with faculties and powers, that enable him to attain this glorious end.

The Catholic Church has received the divine commission to prepare man for the life beyond the grave. Her Divine Founder, Christ Jesus, has entrusted to her the plenitude of spiritual power on earth, the authority to preach the truth to all nations, to diffuse grace and to lead men to the practice of virtue. Truth, grace and virtue, three spiritual things, form the object of the Church's power, and we believe her teachings, because she is infallible, guided by the Holy Spirit; we receive her sacraments, because she is holy, we obey her precepts cheerfully, because in obeying her we submit ourselves, not to a human authority, but to God Himself.

As long as the state remains in its proper sphere, and respects freedom of conscience and the other inalienable rights of man, the Church will not meddle with civil affairs. Church and state will live in perfect peace and harmony. But, whenever the law-givers, be they kings, or emperors, or the representatives of a free people, violate the God-given liberties and rights of man, by framing or enforcing laws opposed to the eternal laws of God, then it becomes the duty of every Catholic, be he priest or bishop or simple layman, to assert the dignity of his manhood by demanding the repeal of such unjust laws. The Constitution of the United States guarantees to all men liberty of conscience, freedom of speech and the pursuit of happiness. The Catholic Church is not hampered in her grand mission of teaching us how to lead a wise, virtuous and holy life. That is all she desires. Hence there cannot be any rivalry or enmity between the Catholic Church and America.

I am well aware that a lurking doubt as to the loyalty of Catholic Americans, still possesses the minds of many otherwise enlightened Protestants, because they were led to suppose that Catholics owe allegiance in temporal as well as in spiritual matters to a foreign ruler, the Pope of Rome.

For the sake of such, I will state as clearly and emphatically as possible:

1st. That the Pope has no right or authority to assume the government of the United States.

2nd. That no Pope ever laid claim to such a right.

3rd. That no American whatever, no Catholic bishop, no Catholic priest, no Catholic layman ever vindicated such a right for the Pope. In all civil matters our highest authority is the government of the United States, in the administration of which we claim an equal share with the rest of our fellow citizens. But in all spiritual concerns, in all matters of religion and morality, we recognize no higher authority on earth than the Pope of Rome, the Vicar of Jesus Christ, and the bishops and priests commissioned by Him.

I am fully convinced that the vast majority of the American people does not entertain any suspicions concerning the loyalty and patriotism of the Catholics of the country, but it cannot be denied that the wonderful progress of the Catholic Church in this country is causing serious alarm in the hearts of some Americans, either because they do not know us and our real sentiments, or because they are envious of our prosperity and power. To such we would say as St. Ambrose said to the gentiles of his day: "*Nec terremus, nec timemus.*" You need not fear us, neither do we fear you.

If you are sincere in your oft-repeated declarations of religious toleration, then investigate before you condemn; investigate our sentiments and convictions and aspirations, as expressed in our public documents, in our daily life and in our history; and you will find that you need not fear us in as far as the liberties of our common country are concerned. But, if you are one of those vulgar, narrow-minded, bigoted souls, who feel it incumbent upon themselves to sneer at every thing Catholic, and whose honeyed words of tolerance and brotherly love are but a sanctimonious mask to hide their dark designs, then we say: Do your sweet will, we fear you not. "*Nec terremus, nec timemus.*"

Be that as it may, I seem to hear you say: We do not fear any attempt you might make to overthrow our form of government or to subvert our laws. Far from it. But we do suspect you of a desire, more or less pronounced, to get control of our national destinies. And if this were accomplished we would have to put the inscription over the presidential chair: "*Finis Libertatis.*"

Now, we would suggest that it is our privilege as Americans, to seek any office within the gift of the people, the presidency included. In the administration of a free country, there is no distinction between Jew and Gentile. Protestant or Catholic. A religious test in this matter is an odious tyranny.

But whether Catholics shall ever hold the supreme political power or not, you will have nothing to fear from us. Our religion itself would forbid us to seek despotic power, even if our good sense should fail us.

2. For the Catholic Church does now, as it always did, defend the sacred and inalienable rights of man against all arbitrary power, and endeavors to secure the fullest possible measure of civil liberty.

Let us cast a glance at the history of the Catholic Church in this regard.

"The Christian religion," says St. Priest in his History of Royalty, "the Christian religion, which has existed for nearly two thousand years, is not inseparably attached to any political form. Under the shadow of absolute thrones, or of limited monarchies, on the borders of the republican lake of William Tell—in America which is still more republican, it flourishes as an imperishable plant, nourished by the juices of earth and refreshed by the waters of heaven."

When the Catholic Church was established, Rome was a despotism. The will of her Cæsars was the supreme law of the empire, and half the world lay at their feet in abject slavery. For three centuries the Roman empire waged a cruel and relentless war against the Church; but the Church continued to teach her children as Christ had taught: "Render to Cæsar the things that are Cæsars, and to God the things that are God's."

When Constantine the Great, by divine interposition, had gained the decisive victory over the persecuting tyrant Maxentius, and had in consequence become a Christian, the attitude of the Roman empire towards the Church became more friendly, but the Roman polity remained despotic. Now people may ask, why did not the Catholic Church use her influence to restore to the Roman world its ancient freedom? And I answer: For two very sufficient reasons: 1. Because the existing form of government could not be changed on a sudden without the greatest danger of universal anarchy and ruin, and 2. because it is not the office of the Church to overthrow governments, however defective they may be.

The Church is not the friend of arbitrary power, but she knows, what even modern eulogists of liberty have admitted, that a mild despotism may be better adapted to certain nations and ages, than more liberal forms of government.

John Stuart Mill says: "Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement." Now it is certain that, at the time of Constantine, the greater part of the Roman Empire was sunk in barbarism, and that the warlike tribes of the North, who soon after flooded the provinces, would never have submitted to the liberal and peaceful institutions of America. They had to be kept in check by the strong will of absolute monarchs.

The wise men who ruled the Church in these stormy and perilous times knew, what history teaches on every page, that every nation has the very government it deserves to have, and they were confident that no people could be permanently enslaved, unless it were utterly unworthy of freedom.

Instead, therefore, of introducing new polities, the Church sought to elevate the religious and moral condition of the Greeks and Romans and Barbarians. Fully convinced that civil liberty is based upon enlightened views of the rights and duties of man, the Church established innumerable seats of learning and sent her missionaries to the populous cities, to the tangled forests, and pathless wildernesses, to teach all nations the social, as well as the theological virtues; the fear of inflicting, the shame of committing a wrong, respect for all who are in authority and consideration for all who are in dependence, veneration for the good, mercy to the evil, and sympathy with the weak, temperance in all pleasures and perseverance in all toils. And in proportion, as the nations advanced in knowledge and virtue and wisdom, they began to exercise an ever-increasing influence on the administration of public affairs.

Yes, the Catholic Church is the true friend and promoter of civil liberty. But it is not her mission to subvert the existing political powers, and to establish republics on the ruins of empires and kingdoms. No, the divine mission of the Church is to teach the truth, to guide men on their way to heaven and to prepare them for the glorious life to come. Yet, in making men wise and good and noble, she has a natural tendency to fit mankind for free government and to render the nations worthy of the blessings of civil liberty. And a nation that is worthy of this high prerogative, cannot long be denied its actual enjoyment.

Thus, the Catholic Church, in seeking to promote the spiritual and eternal welfare of mankind, lays the broad and sure foundation for political freedom. And this beneficent result is brought about, not by destructive revolutions, but by the slow and peaceful process of education, according to the words of Sacred Scripture: "The truth shall make you free."

It is, therefore, nothing more than a just tribute to real worth, when a noted writer says: "The papal power was for ages the great

bulwark of order; amid the turbulence of the semi-civilized people of Europe the papacy fought the battle of freedom and civilization." Many a proud autocrat, relying on the power of his armies, thought he might safely disregard the dictates of truth, mercy and justice, and trample on the rights of men; but he was met in his headlong career by the representatives of spiritual authority, who dared to tell him to his face that the powers of kings and princes came from God and were given, not for the gratification of private lusts and resentments, not for oppression and ruin, but for the advancement of the people's security and prosperity.

The resistance offered by St. Ambrose, archbishop of Milan, to the emperor Theodosius, is a good illustration of this. Fresh from the massacre of Thessalonica the emperor came to Milan and wished to enter the Cathedral. But St. Ambrose stood at the portal forbidding his entrance: "Your hands are dripping with the blood of your subjects. As you followed David in his sins, follow him likewise in his repentance."

Generally, as in this instance, the rulers heeded the voice of Christ's representative, but sometimes their hearts were hardened to every appeal. They would admit no rights but what they styled the divine right of kings, and recognize no duties but the duty of absolute submission in the subject.

Unconcerned about divine or human laws, these royal ruffians and tyrants were carrying the state with them to the brink of ruin.

In such extreme cases the only remedy to which the people could resort was to declare the crown forfeited by the criminal conduct of the ruler.

And whenever the oppressed and down-trodden subjects of such a tyrant brought their grievances to the common Father of Christendom, and proved beyond a doubt that there was no other alternative save the ruin of the commonwealth, or the deposition of the sovereign, then it became the duty of the Pope to declare that the people were not made for the sake of the ruler, but that the ruler was appointed for the good of his people, and that the prince who disgraced his high office by crimes against the God-given liberties and rights of his subjects, had by these very crimes abdicated his crown and forfeited the allegiance of his people.

This so-called right of deposing kings has never been claimed by the Popes as an essential part of their divine commission. But in the Middle Ages, when all Europe was Catholic, the papacy was, by international law, constituted the supreme tribunal, by which certain grave political questions were to be decided. One of these questions was the deposition of rulers on account of great crimes.

We cannot deny that the nations of Europe had the right of deposing their rulers in certain cases, and that they could vest this

unquestioned right in the Pope as the highest court of arbitration, established by the free will and consent of Christendom.

The deposition of certain kings was, therefore, not an arbitrary and unwarranted proceeding, but an exercise of supreme judicial power, delegated to the papacy by the Christian nations, and it was invariably exercised in favor of the weak and down-trodden against the arrogance and tyranny of autocratic rulers.

Thus, the very facts of Catholic history, which are commonly considered worthy of censure appear, on closer inspection, heroic deeds and noble achievements in the cause of true progress and freedom.

Never led astray by false ideals, never hasty in her measures and always having in view her high mission of saving the souls of men, the Catholic Church has passed through the ages, scattering blessings everywhere. She is the mother of our civilization, she has fostered the arts and sciences, she has proved herself the friend of all that is noble in human nature.

And we are the children of this grand Church, we are also citizens of the greatest, most prosperous and powerful republic on earth.

The Catholic Church imbues us with an enduring love of our country. She never tires of teaching us that patriotism is one of the highest and holiest sentiments of which the heart is capable; that love of country is a virtue, including all other civic virtues. She seeks to fill our hearts with the love of truth, justice and temperance and of all the other virtues, which are necessary for the security and prosperity of the commonwealth.

We are divided in religion from millions of our fellow-citizens; but we still regard them as our friends and brothers.

There is a strong, though invisible, bond that unites us with them, our American nationality.

There is one sentiment which ever finds a responsive chord in the hearts of all—our country, may God bless it and preserve it in justice and truth and enable it to attain its glorious destiny.

And there is one symbol before which we all bow in reverence and to which we all look up with honest pride and exultation—the flag of our country, the symbol of America's grandeur and power.

W A R.

A SONG OF PROTEST.

No, never repeat it
The oft repeated
Most silly saying,
That war is hell;
Leave senseless drivel
To dawdling dandies
And babeless mothers,
And all the hired henchmen of
wealth.

No, war is not hell,
However destructive
Its flaming course,
And full of terror and spotted
with crime.

War is the high tide
Of human life,
With all its virtues
And all its vices,
Greatly multiplied,
Vastly intensified,
The very climax of human
endeavor.

Behold the virtues
Heroic, elemental,
War's fiery breath
Wakes and enkindles
In the hearts of men:
The love of country,
Its greatness and honor,
A love as strong as, yea
stronger than death!

The greatness of soul
In gentle womanhood
Giving so nobly
In sad sweet parting
The pride of her heart
The stay of her life.

The dauntless courage
'Mid flashing hail
And deadly fumes
And sickening sights:
The cheering hope
Through toilsome days,
And weary nights
Of victory won and golden
peace.

The love and loyalty
Of comrade to comrade,
The tender pity
For the fallen foe:
Are these, are these,
The children of hell,
Ye wearisome babblers?
Are these, and the strenght
Of countless sufferers
Bearing with patience
And oft with grim humor,
The things that would sadden
The stoutest heart,
Are these the flowering
And fruitage of hell?

Ah, no, not of hell
These flowers of manhood
Life's sovereign virtues,
Though racy of earth
Yet fragrant of heaven.
For, is it not true,
That man is never
Nearer to God
And eternity's threshold
Than in the onset and shock
of battle?

And have you forgotten
Or never known
That once in heaven
There raged a fierce conflict
Between the powers
Of darkness and light;
But never in hell,
Where slaves hold slaves
In mutual bondage
Of hopeless night?

No, never repeat it
That war is hell.
Sin alone,
Deadly sin,
Is hell on earth
And the gate of the city of
endless hate.

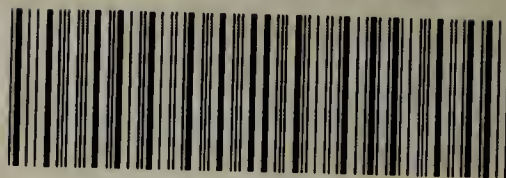
War is the scourge
In the hand of God
To humble the proud,
And cleanse the lowly,
And raise once again
The nations of earth
To a newness of life.

War is the breath of the anger
of God
Yet full of the balm
Of infinite mercy.
War is not hell
But a sovereign grace:
And peace, true peace
Is its purpose and end.



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